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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA # 09-44

DIGEST

Amends 312 IAC 9-3, which governs general requirements and licenses for hunting deer, to reorder language for improved clarity, simplicity, and continuity. Amends 312 IAC 9-3-3 by adding rifles with certain cartridges for the youth special deer season and authorizing firearms and archery equipment to be capable of being loaded or fired outside lawful shooting hours. Amends 312 IAC 9-3-4 by adding Warsaw as a designated urban deer zone and for statutory consistency corrects the youth age from less than sixteen years of age to less than eighteen years of age. Amends 312 IAC 9-3-8 to allow hunting on military reserves and National Wildlife Refuges to begin on October 1 instead of November 1, and to allow the taking of deer with firearms. Amends 312 IAC 9-3-9 to add district wildlife biologists, property managers, and assistant property managers as persons authorized to issue free permits to possess a deer killed by other means, such as collision. Amends 312 IAC 9-12-2 and 312 IAC 9-12-3 to address hunter education requirements with respect to individuals purchasing apprentice hunting licenses authorized by IC 14-22-12-1.7. Repeals 9-3-2.5; 312 IAC 9-3-5; 312 IAC 9-3-6; 312 IAC 9-3-7. Effective 30 days after filing with the Publisher.

312 IAC 9-3-2	312 IAC 9-3-7
312 IAC 9-3-2.5	312 IAC 9-3-8
312 IAC 9-3-3	312 IAC 9-3-9
312 IAC 9-3-4	312 IAC 9-12-2
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312 IAC 9-3-6	

SECTION 1. 312 IAC 9-3-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-2 General Requirements and Licenses for Hunting Deer

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-10; IC 14-22-12-1; IC 14-22-12-7

(a) This section and sections 3 through 10 of this rule govern the:

- (1) hunting;
 - (2) transportation; and
 - (3) disposal;
- of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from the following:

- (1) This section.
- (2) Sections 3 through 9 of this rule.

A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by ~~sections 3 through 8 of~~ **in this rule section** are nonexclusive. An individual may apply for one (1) or more of these licenses.

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~~(e)~~(d) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt **deer**:
(1) ~~deer~~ unless the person possesses a completed and signed license **authorized under this section** bearing the person's name; or
(2) with a deer license issued to another person.

(e) A youth hunter may take a deer during the youth deer season established in 312 IAC 9-3-4(b) only if:

(1) issued a license to hunt deer with a:

(A) resident youth consolidated hunting license pursuant to IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);

(B) lifetime comprehensive hunting license pursuant to IC 14-22-12-7(a)(4);

(C) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5); or

(D) an apprentice resident youth consolidated hunting license pursuant to IC 14-22-12-1.7; or

(2) hunting deer without a license pursuant to IC 14-22-11-1 and 312 IAC 9-2-14.

(f) A person may take a deer with a bow and arrow during the archery season established in 312 IAC 9-3-4(e) only if:

(1) issued a license to hunt deer by bow and arrows with a:

(A) resident deer archery license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);

(B) nonresident deer archery license pursuant to IC 14-22-12-1(a)(17);

(C) youth consolidated hunting license pursuant to IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);

(D) lifetime comprehensive hunting license pursuant to IC 14-22-12-7(a)(4);

(E) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5);

(F) apprentice license of the types identified in subsections (A) through (C) pursuant to IC 14-22-12-1.7;

(2) hunting without a license pursuant to IC 14-22-11-1 and 312 IAC 9-2-14.

(g) A person may take a deer with a firearm during the firearms season established in 312 IAC 9-3-4(h) only if:

(1) issued a license to hunt deer by firearms with a:

(A) resident deer firearms license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(12);

(B) nonresident deer firearms license pursuant to IC 14-22-12-1(a)(15);

(C) resident youth consolidated hunting license pursuant to IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);

(D) lifetime comprehensive hunting license pursuant to IC 14-22-12-7(a)(4);

(E) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5);

(F) apprentice license of the types identified in subsections (A) through (C) pursuant to IC 14-22-12-1; or

(2) hunting deer without a license pursuant to IC 14-22-11-1 and 312 IAC 9-2-14.

(h) A person may take a deer with a muzzleloader during the muzzleloader season established in 312 IAC 9-3-4(i) only if:

(1) issued a license to hunt deer by a muzzleloader with a:

(A) resident deer muzzleloader license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(13);

(B) nonresident deer muzzleloader license pursuant to IC 14-22-12-1(a)(16);

(C) resident youth consolidated hunting license pursuant to IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);

(D) lifetime comprehensive hunting license pursuant to IC 14-22-12-7(a)(4);

(E) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5);

(F) apprentice license of the types identified in subsections (A) through (C) pursuant to IC 14-22-12-1; or

(2) hunting deer without a license pursuant to IC 14-22-11-1 and 312 IAC 9-2-14.

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(i) **A person may take a deer during the urban deer season established in 312 IAC 9-3-4(f) only if:**

(1) issued a license to hunt deer with a:

(A) resident deer archery license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);

(B) nonresident deer archery license pursuant to IC 14-22-12-1(a)(17);

(C) resident extra deer license pursuant to IC 14-22-12-1(a)(18);

(D) nonresident extra deer license pursuant to IC 14-22-12-1(a)(19);

(E) resident youth consolidated hunting license pursuant to IC 14-22-11-10(b) or IC 14-22-12-1(a)(24);

(F) apprentice license of the types identified in subsections (A) through (E) pursuant to IC 14-22-12-1;

(I) lifetime comprehensive hunting license pursuant to IC 14-22-12-7(a)(4); or

(J) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5); or

(2) hunting deer without a license pursuant to IC 14-22-11-1 and 312 IAC 9-2-14.

(j) A person may take an antlerless deer in a designated county, by authority of an extra deer bonus antlerless license, only as authorized under 312 IAC 9-3-4(j).

~~(h)~~**(k) A person must, immediately upon taking a deer, attach a piece of paper to the deer that states the following:**

(1) The name and address of the person who took the deer.

(2) The license number (if applicable) of the person who took the deer.

(3) The sex of the deer.

(4) The month and day the deer was taken.

A deer ~~leg~~ must be tagged with the piece of paper before leaving the field. A deer that is in the field is not required to be tagged if the person who takes the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

~~(i)~~**(l) A person who takes a deer must cause delivery of the deer carcass to an official checking station for registration in the name of the person who took the deer on the occurrence of the earlier of the following:**

(1) Within forty-eight (48) hours of the taking of the deer.

(2) Before the deer is removed from this state.

The person who delivers the deer carcass to an official checking station for registration must provide **true and** accurate information for the check station logs, **including the name and license number of the person who took the deer and the date the deer was taken.**

(m) The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

~~(j)~~**(n) After the checking station operator records the permanent seal number on the log and collects the piece of paper described in subsection (h k), the operator shall give the seal to the person. The person must immediately affix the seal:**

(1) between a tendon and bone;

(2) through a section of skin or flesh; or

(3) around a branched antler;

to prevent its removal (without cutting the seal or the body part to which it is affixed). The seal must be maintained until processing of the deer begins.

~~(k)~~**(o) The checking station operator must do the following:**

(1) Accurately and legibly complete all forms provided by the department.

(2) Make those forms available to department personnel upon request.

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~~(l) A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on:~~

~~(1) state-owned or state-leased lands;~~

~~(2) U.S. Forest Service lands;~~

~~(3) the Muscatatuck National Wildlife Refuge; or~~

~~(4) the Big Oaks National Wildlife Refuge;~~

~~must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half (1/2) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.~~

(p) A person must not hunt deer except from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(q) A person must not hunt deer unless that person wears hunter orange. However, this subsection does not apply:

(1) before the commencement of the firearms season set forth in section (4)(e) of this rule; and

(2) after the muzzleloading gun season set forth in section (4)(f) of this rule.

~~(d)(r)~~ Before September 1, 2012, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

~~(e)(s)~~ **A person must not hunt deer with the use or aid of:**

~~(1) a food product that is transported and placed for consumption;~~

~~(2) salt;~~

~~(3) mineral blocks;~~

~~(4) prepared solid or liquid intended for ingestion (herein called bait); bait, which includes any of the following:~~

i) a food that is transported and placed for consumption (includes, but is not limited to, piles of corn and apples placed in the field);

(ii) a prepared solid or liquid that is manufactured and intended for consumption by livestock or wild deer (includes, but is not limited to, commercial baits and food supplements);

iii) salt; or

iv) mineral supplements;

~~(2) snares;~~

~~(3) dogs; or~~

~~(4) other domesticated animals;.~~

~~to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area, which may be attractive to deer as the result of normal agricultural activity, is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.~~

(t) An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an area, such as an orchard, which may be attractive to deer as the result of normal agricultural activity, is not prohibited.

~~(n) The use of infrared sensors to locate or take deer is prohibited. A person must not hunt or retrieve deer with the aid of an infrared detector.~~

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~~(e)(u)~~ Notwithstanding subsection ~~(t)(s)~~, **a person may use dogs** ~~may be used~~ only while on a leash to track or trail wounded deer.

~~(p)(v)~~ Notwithstanding subsection ~~(t):~~, **(s) a person may use**

- (1) donkeys;
- (2) mules; and
- (3) horses;

~~may be used~~ for transportation to and from a hunt but may not be used while hunting.

~~(g) The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.~~

~~(f)(w)~~ **A person must not hunt** ~~The hunting of~~ white-tailed deer possessed under the authority of a game breeder license ~~under pursuant to 312 IAC 9-10-4 is prohibited.~~

(x) A person may possess a handgun in accordance with IC 35-47 while hunting deer if the person:

(A) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;

(B) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or

(C) is not required to possess a license to carry a handgun under IC 35-47-2-2.

(Natural Resources Commission; 312 IAC 9-3-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00p.m.: 28 IR 538; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA)

SECTION 2. 312 IAC 9-3-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-3 Equipment for deer hunting

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-10; IC 14-22-12-1; IC 14-22-12-7

~~Sec. 3. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is:~~

~~(1) issued a license to hunt deer by:~~

~~(A) firearms under IC 14-22-12-1(a)(12) or IC 14-22-12-1(a)(15) during the season established in subsection (b); or~~

~~(B) a muzzleloading gun or muzzleloading handgun under IC 14-22-12-1(a)(13) or IC 14-22-12-1(a)(16) during the season established in subsection (c);~~

~~(2) issued a:~~

~~(A) lifetime license under IC 14-22-12-7(a)(4) or IC 14-22-12-7(a)(5) before July 1, 2005, during the seasons established in subsections (b) and (c); or~~

~~(B) youth yearly consolidated hunting license under IC 14-22-11-10(b) or IC 14-22-12-1(a)(24); or~~

~~(3) hunting by the use of firearms under IC 14-22-11-1.~~

~~(b) The season for hunting deer with firearms is as follows:~~

~~(1) The firearms season using:~~

~~(A) shotgun;~~

~~(B) shotgun with rifled barrel;~~

~~(C) handgun;~~

~~(D) muzzleloading gun;~~

~~(E) muzzleloading handgun; or~~

~~(F) rifle, with the use of cartridges described in subsection (f)(4) only;~~

~~is from the first Saturday after November 11 and continues for an additional fifteen (15) days.~~

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~~(2) The seasonal limit for hunting deer under this subsection is one (1) antlered deer.~~

~~(c) In addition to the season established under subsection (b), the season for using a muzzleloading gun or muzzleloading handgun only:~~

~~(1) extends from the first Saturday after the firearms season established under subsection (b); and~~

~~(2) continues for fifteen (15) additional days.~~

~~The seasonal limit for hunting deer under this extended season is one (1) deer of either sex.~~

~~(d) A person must not hunt deer except from one half (1/2) hour before sunrise to one half (1/2) hour after sunset.~~

~~(e) A person must not do the following:~~

~~(1) Hunt deer unless that person wears hunter orange.~~

~~(2) Possess bow and arrows while hunting under this section.~~

(a) During the youth special deer season established in 312 IAC 9-3-4(b), a youth hunter must hunt deer only with the following equipment:

(1) bow and arrow as described in subsection (b)(1) through (b)(5).

(2) crossbow as described in subsection (b)(6) and (b)(7).

(3) shotgun as described in subsection (d)(1).

(4) muzzleloading long gun as described in subsection (d)(3).

(5) rifle, with the use of cartridges described in subsection (d)(4).

(b) During the archery season established in 312 IAC 9-3-4(c), A a person must hunt deer ~~with a bow and arrows~~ only as follows **with the following equipment:**

~~(A) (1) With~~ a long bow or compound bow ~~must have~~ **that has** at least thirty-five (35) pounds pull.

~~(B) (2) With~~ arrows ~~must be~~ **that are** equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

~~(C) (3)~~ Poisoned or explosive arrows are unlawful.

~~(D) (4)~~ Bows drawn, held, or released other than by hand or hand-held releases are unlawful.

~~(E) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.~~

~~(F) (5)~~ No portion of the bow's riser (handle) or any:

~~(i) (A)~~ track;

~~(ii) (B)~~ trough;

~~(iii) (C)~~ channel;

~~(iv) (D)~~ arrow rest; or

~~(v) (E)~~ other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(6) In addition to the equipment described in subsections (b)(1) through (b)(5), during the late archery season established in 312 IAC 9-3-4(c)(2), a person may use a crossbow that has the following:

(A) at least one hundred twenty-five (125) pounds pull; or

(B) a mechanical safety.

(7) As used in this section, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device.

~~(b) (c) The season for hunting deer with firearms is as follows: (1) The firearms season using~~ **During the firearms season established in 312 IAC 9-3-4 (e), a person must hunt deer only with the following equipment:**

(1) shotgun;

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- (2) shotgun with rifled barrel;
- (3) handgun;
- (4) muzzleloading long gun;
- (5) muzzleloading handgun; or
- (6) rifle, with the use of cartridges described in subsection (f)(d)(4) only; or
- (7) **bow and arrows described in subsections (b)(1) through (b)(5).**

~~(f) (d) As used in sections 2 through 8 of this rule, A person must not hunt deer with a firearm under this section except as follows~~ **must meet the following specifications:**

- (1) A shotgun: ~~(A) must have a gauge 10, 12, 16, 20, or .410 bore loaded with a single projectile; and~~
~~—— (B) may be possessed in the field outside lawful shooting hours only if there are no shells~~
~~—— in the chamber or magazine.~~
- (2) A handgun must:
 - (A) conform to the requirements of IC 35-47-2;
 - (B) have a barrel at least four (4) inches long; ~~and~~
 - (C) fire a bullet of two hundred forty-three thousandths (.243) inch diameter or larger; **and**
 - (D) not be a rifle that has a barrel less than eighteen (18) inches or is designed or redesigned to be fired from the shoulder.**

~~All 38 special ammunition is prohibited.~~ The handgun cartridge case, without bullet, must be at least one and sixteen hundredths (1.16) inches long. Full metal jacketed bullets are unlawful. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

- (3) A muzzleloading long gun must be .44 caliber or larger, loaded with a bullet at least three hundred fifty-seven thousandths (.357) inch or larger. A muzzleloading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzleloading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzleloading gun must be capable of being loaded only from the muzzle, including both powder and bullet. ~~A muzzleloading gun may be possessed in the field outside lawful shooting hours only if:~~

- ~~—— (A) for percussion firearms, the cap or primer is removed from the nipple or primer adapter; or~~
- ~~—— (B) for flintlock firearms, the pan is not primed.~~

- (4) A rifle must **fire a cartridge that meets the following specifications:**

- (A) fire a bullet of three hundred fifty-seven thousandths (.357) of an inch diameter or larger;
- (B) have a minimum case length of one and sixteen-hundredths (1.16) inches; and
- (C) have a maximum case length of one and six hundred twenty-five thousandths (1.625) inches.

- (5) Over-and-under combination rifle-shotguns are prohibited.

~~(6) Notwithstanding subsection (f)(2), a person may possess a handgun in accordance with IC 35-47 while hunting deer under this section if the person:~~

- ~~(A) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;~~
- ~~(B) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or~~
- ~~(C) is not required to possess a license to carry a handgun under IC 35-47-2-2.~~

(e) During the muzzleloader season established in 312 IAC 9-3-4(f), a person must hunt deer only with a:

- (1) muzzleloading long gun as described in subsection (d)(3);**
- (2) muzzleloading handgun as described in subsection (d)(3); or**
- (3) bow and arrows as described in subsection (b)(1) through (b)(7).**

(f) During the urban deer season established in 312 IAC 9-3-4(d), a person must hunt deer only with bows and arrows described in 312 IAC 9-3-4(b)(1) through (b)(5) during the early archery season established 312 IAC 9-3-4 (c)(1). During the urban deer season established in 312 IAC 9-3-

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4(d), a person must hunt deer only with bows and arrows, including crossbows, described in subsection (b)(1) through (b)(7) during the late archery season described in subsection (c)(2).

(g) A person must not erect, place, or hunt from a permanent tree blind on state owned lands. A tree blind placed on:

(1) state owned or state leased lands;

(2) U.S. Forest Service lands; or

(3) any National Wildlife Refuge;

must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half (1/2) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.

(h) A person must not use infrared sensors to locate or take deer. A person must not hunt or retrieve deer with the aid of an infrared detector.

(i) A person must not possess or use an electronic deer call while hunting deer.

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SECTION 3. 312 IAC 9-3-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-4 Season Dates and Bag Limits

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-10; IC 14-22-12-1; IC 14-22-12-7

~~Sec 4. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:~~

~~(1) issued a license to hunt deer by bow and arrows under:~~

~~(A) IC 14-22-11-10(b);~~

~~(B) IC 14-22-12-1(a)(14);~~

~~(C) IC 14-22-12-1(a)(17);~~

~~(D) IC 14-22-12-1(a)(24);~~

~~(E) IC 14-22-12-7(a)(4); or~~

~~(F) IC 14-22-12-7(a)(5);~~

~~and is supplemental to section 2 of this rule; or~~

~~(2) hunting by the use of bow and arrows under IC 14-22-11-1.~~

Sec. 4. (a) A person must not take more than one deer with each deer license.

(b) The special youth deer season is two (2) consecutive days beginning on the Saturday immediately before October 1 or as approved annually by the director.

(1) The seasonal limit for hunting deer under this subsection is one (1) antlerless deer.

(2) As used in this section, "youth" means an individual who is less than eighteen (18) years of age by the date of the hunt.

(3) A youth who hunts a deer under this subsection must be accompanied by an adult of at least eighteen (18) years of age who:

(A) does not possess a firearm, bow and arrow, or crossbow while in the field;

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- (B) possesses a valid hunting license of any type that is not an apprentice license;**
- (C) must not accompany more than two (2) youth hunters at any one time; and**
- (D) must be in close proximity and able to communicate with the youth hunter at all times.**

(b) (c) The archery deer season for hunting deer by bow and arrows during is as follows:

- (1) early bow archery season is from October 1 through the closing day of firearms season (set forth as established in subsection (e) of this rule); and**
- (2) late bow archery season from the first Saturday after the closing day of firearms season as established in subsection (e) through the first Sunday in January.**
- (3) A person must take no more than two (2) deer of which only one (1) may be antlered under this subsection.**
- (4) After August 31, 2012, a person must not take an antlered deer by means of a crossbow.**

(e) (d) The urban deer season is as follows:

- (1) from September 15 through the closing day of firearms season (set forth as established in subsection (d) (e) and**
- (2) during the late bow archery season from the first Saturday after the firearms season through the first Sunday in January as established in subsection (c)(2).**
- (3) A person must take no more than four (4) deer of which only one (1) may be antlered under this subsection.**
- (4) A deer taken under this subsection does not count against a bag limit for deer set elsewhere in this rule.**

~~(d) The seasonal limit for hunting under this section is one (1) deer of either sex. After August 31, 2012, a person must not take an antlered deer by means of a crossbow.~~

~~(e) A person must not hunt deer under this section as follows:~~

- ~~(1) Except from one half (1/2) hour before sunrise to one half (1/2) hour after sunset.~~
 - ~~(2) Unless that person wears hunter orange. However, this subdivision does not apply:~~
 - ~~(A) before the commencement of the firearms season set forth in section 3(b) of this rule; and~~
 - ~~(B) after the muzzleloading gun season set forth in section 3(c) of this rule.~~
 - ~~(3) Unless that person possesses only one (1) bow. A person must not possess a firearm while hunting under this section.~~
 - ~~(4) Except as follows:~~
 - ~~(A) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.~~
 - ~~(B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.~~
 - ~~(C) Poisoned or explosive arrows are unlawful.~~
 - ~~(D) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.~~
 - ~~(E) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.~~
 - ~~(F) No portion of the bow's riser (handle) or any:~~
 - ~~(i) track;~~
 - ~~(ii) trough;~~
 - ~~(iii) channel;~~
 - ~~(iv) arrow rest; or~~
 - ~~(v) other device;~~
- ~~that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.~~
- ~~(f) Notwithstanding subsection (e)(4), a person may use a crossbow to take a deer of either sex during the late bow season from the first Saturday after the firearms season through the first Sunday in January if the following restrictions are met:~~
- ~~(1) No person shall use a crossbow:~~

NOTE: The Natural Resources Commission has given preliminary adoption to this proposed rule. However, the language is subject to change as the rule progresses through the adoption process.

~~(A) of less than one hundred twenty five (125) pounds pull; or~~

~~(B) that does not have a mechanical safety.~~

~~(2) A crossbow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.~~

~~(g) As used in this rule, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device.~~

~~(h) Notwithstanding subsection (e)(3), a person may possess a handgun in accordance with IC 35-47 while hunting deer under this section if the person:~~

~~(1) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;~~

~~(2) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or~~

~~(3) is not required to possess a license to carry a handgun under IC 35-47-2-2.~~

~~(g)~~ **(5) The following areas have been designated as urban deer zones subject to the urban deer season:**

~~(1)~~ **(A) The Indianapolis urban deer zone includes the following:**

~~(A)~~ **(i) All of Marion County.**

~~(B)~~ **(ii) That portion of Hendricks County east of State Highway 267.**

~~(C)~~ **(iii) The southeast portion of Boone County as bounded by the following:**

~~(i)~~ **(AA) State Highway 267.**

~~(ii)~~ **(BB) Interstate Highway 65.**

~~(iii)~~ **(CC) State Highway 32.**

~~(D)~~ **(iv) That portion of Hamilton County south of State Highway 32.**

~~(2)~~ **(B) The Fort Wayne urban deer zone includes that portion of Allen County lying within the bounds of Interstate Highway 69 and State Highway 469.**

~~(3)~~ **(C) The Evansville urban deer zone includes all of Vanderburgh County.**

~~(4)~~ **(D) The Lafayette urban deer zone includes the portion of Tippecanoe County north of State Highway 28.**

~~(5)~~ **(E) The Gary urban deer zone includes that portion of Lake County north of U.S. Highway 30.**

~~(6)~~ **(F) The Crown Point urban deer zone includes that portion of Lake County within the corporate limits of Crown Point.**

~~(7)~~ **(G) The Chesterton urban deer zone includes the portion of Porter County north of U.S. Highway 94.**

~~(8)~~ **(H) The Michigan City urban deer zone includes that portion of LaPorte County north of U.S. Highway 94.**

~~(9)~~ **(I) The Warsaw urban deer zone includes the portion of Kosciusko County within the corporate limits of the city of Warsaw.**

(e) The firearms deer season is from the first Saturday after November 11 and continues for an additional fifteen (15) days. A person must take no more than one (1) antlered deer under this subsection.

(f) The deer hunting season for only using a muzzleloading long gun or muzzleloading handgun is from the first Saturday after the closing day of firearms season as established in subsection (e) and continues for an additional fifteen (15) days. A person must not take more than one (1) deer of either sex under this subsection.

(g) The season and bag limit for hunting antlerless deer in a designated county, by authority of an extra deer bonus antlerless license, shall be established on an annual basis by a temporary rule authorized by the director.

NOTE: The Natural Resources Commission has given preliminary adoption to this proposed rule. However, the language is subject to change as the rule progresses through the adoption process.

(Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.: 21 IR 930; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed May 25, 2005, 10:15 a.m.: 28 IR 2945; filed Jun 29, 2007, 2:30 p.m.: 20070725-IR-312060272FRA; filed Jul 10, 2007, 2:09 p.m.: 20070808-IR-312060572FRA; filed Sep 6, 2007, 12:20 p.m.: 20071003-IR-312070023FRA)

SECTION 4. 312 IAC 9-3-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-8 Hunting deer on designated military reserves, ~~Big Oaks National Wildlife Reserve, and Muscatatuck National Wildlife Refuge~~; regular and extra National Wildlife Refuges with additional deer hunting licenses

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-12-1

Sec. 8. (a) This section governs the activities of an individual who is hunting deer on ~~each of the following~~ military reserves and **national** wildlife refuges:

- ~~(1) Naval Weapons Support Center Crane.~~
- ~~(2) Big Oaks National Wildlife Refuge.~~
- ~~(3) Atterbury Reserve Forces Training Area.~~
- ~~(4) Indiana Army Ammunition Plant (Charlestown).~~
- ~~(5) Newport Army Ammunition Plant.~~
- ~~(6) Muscatatuck National Wildlife Refuge.~~
- ~~(7) Leiber State Recreation Area (holders of handicap permits under 312 IAC 9-10-10 only).~~

(b) **If selected by drawing or invitation, a person may hunt** ~~The season for hunting deer under this section on a military reserve or national wildlife refuge by firearms is from November~~ **October 1** through December 31. **The specific hunting dates and equipment will be determined annually by the department in conjunction with the management staff of the military reserve or national wildlife refuge.**

~~(c) The season for hunting deer under this section by bow and arrows is from October 1 through December 31. A person must use equipment authorized under section 3 of this rule to take a deer under this section.~~

~~(d) Except as provided under subsections (b) through (c), a person who hunts by the authority of a firearms license issued under section 3 of this rule or bow and arrows license under section 4 or 5 of this rule is also subject to those sections.~~

~~(e) An individual may enter a drawing to hunt deer on the military reserves or on Big Oaks National or Muscatatuck National Wildlife Refuge. If selected in the drawing, that individual may apply for:~~

- ~~(1) an extra firearms military or refuge deer license;~~
 - ~~(2) an extra deer muzzle loader military or refuge license; or~~
 - ~~(3) an extra deer archery military or refuge license;~~
- ~~to hunt during the seasons established under subsections (b) through (c).~~

(d) A person may take a deer on a military reserve or national wildlife refuge only if issued one of the following licenses:

- (1) resident deer archery license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);**
- (2) nonresident deer archery license pursuant to IC 14-22-12-1(a)(17);**
- (3) resident deer firearms license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(12);**
- (4) nonresident deer firearms license pursuant to IC 14-22-12-1(a)(15);**

NOTE: The Natural Resources Commission has given preliminary adoption to this proposed rule. However, the language is subject to change as the rule progresses through the adoption process.

- (5) resident deer muzzleloader license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(13);
- (6) nonresident deer muzzleloader license pursuant to IC 14-22-12-1(a)(16);
- (7) resident extra deer license pursuant to IC 14-22-12-1(a)(18);
- (8) nonresident extra deer license pursuant to IC 14-22-12-1(a)(19);
- (9) apprentice license of the types identified in subsections (1) through (8) pursuant to IC 14-22-12-1.7;
- (10) lifetime comprehensive hunting license pursuant to IC 14-22-12-7(a)(4); or
- (11) lifetime comprehensive hunting and fishing license pursuant to IC 14-22-12-7(a)(5).

(e) A person must comply with the season dates and bag limit for deer hunting as established in section 4 of this rule if using one of the following licenses to hunt on a military reserve or national wildlife refuge:

- (1) resident deer archery license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(14);
- (2) nonresident deer archery license pursuant to IC 14-22-12-1(a)(17);
- (3) resident deer firearms license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(12);
- (4) nonresident deer firearms license pursuant to IC 14-22-12-1(a)(15);
- (5) resident deer muzzleloader license pursuant to IC 14-22-11-10(a) or IC 14-22-12-1(a)(13);
- (6) nonresident deer muzzleloader license pursuant to IC 14-22-12-1(a)(16);
- (7) apprentice license of the types identified in subsections (1) through (6) pursuant to IC 14-22-12-1.

(f) ~~Except as provided in subsection (g), the seasonal bag limit for hunting under this section is~~ **A person may take one (1) deer of either sex for each extra deer military/refuge license, whether that license is issued under subsection (d) or (e) on a military reserve or national wildlife refuge.** An antlered deer taken under this section is exempted from the limitations placed on the taking of antlered deer set forth in ~~this rule~~ **section 2 of this rule.**

(g) In addition to the other licenses authorized by this section, the division may issue an extra deer military/refuge license under this subsection. This extra deer military/refuge license authorizes the taking ~~by bow and arrows of a deer of either sex only from a site listed in subsection (a)~~ **a military reserve or national wildlife refuge.** ~~This subsection is governed by IC 14-22-12-1(18) and IC 14-22-12-1(19).~~

(h) ~~A person must comply with all of the provisions in Section section 2 of this rule, with the exception of subsections (a), (b), and (e) through (j) which governs the use of tags, generally, also applies to extra deer tags military/refuge licenses under this section.~~ *(Natural Resources Commission; 312 IAC 9-3-8; filed May 12, 1997, 10:00 a.m.: 20 IR 2705; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1532; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)*

SECTION 5. 312 IAC 9-3-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-9 Deer killed by other means; disposition

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 9. (a) If a deer dies following a collision with a motor vehicle, a conservation officer, another law enforcement officer, **a district wildlife biologist for the department**, ~~or~~ a property manager or assistant property manager for the department may issue a departmental permit to an individual to possess the carcass ~~of the deer for not more than sixty (60) days of the deer.~~

(b) If a deer is found dead, a conservation officer, **a district wildlife biologist for the department, a property manager or assistant property manager for the department**, or a person designated by the conservation officer may issue a departmental permit to possess the deer. *(Natural Resources*

NOTE: The Natural Resources Commission has given preliminary adoption to this proposed rule. However, the language is subject to change as the rule progresses through the adoption process.

Commission; 312 IAC 9-3-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 6. 312 IAC 9-12-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-12-2 Mandatory hunter education for an individual born after December 31, 1986

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-11; IC 14-22-35-1

Sec. 2. (a) In addition to the requirements for obtaining a hunting license under IC 14-22-11, an individual born after December 31, 1986, must have successfully completed a course in hunter education by the department or the department's agent under IC 14-22-35-1 and this rule.

(b) As used in subsection (a), "department's agent" includes a person approved to administer a hunter education program in Indiana, as well as a program found by the director to provide hunter education substantially equivalent to an approved Indiana program in any of the following:

- (1) Another state.
- (2) A province of Canada.
- (3) Another country.

(c) An individual born after December 31, 1986 is exempt from the requirements in subsection (a) if the individual:

- (a) purchases an apprentice hunting license authorized under IC 14-22-12-1.7;**
- (b) otherwise complies the requirements under this article; and**
- (c) is accompanied by an individual who is at least 18 years old that either holds a valid hunting license of any type that is not an apprentice license or is not required to have a hunting license under IC 14-22-11 and 312 IAC 9-2-14.**

(Natural Resources Commission; 312 IAC 9-12-2; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 7. 312 IAC 9-12-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-12-3 Demonstration of compliance with hunter education requirements

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 4-21.5; IC 14-22-11-3; IC 14-22-11-5

Sec. 3. (a) An agent duly appointed by the director under IC 14-22-11-3, or a clerk of a county circuit court, must not issue a hunting license to an individual subject to section 2 of this rule unless the individual demonstrates compliance with ~~subsection (b)~~ **section 2 or the individual purchases an apprentice hunting license pursuant to IC 14-22-12-1.7.**

(b) An individual subject to section 2 of this rule may demonstrate successful completion of a hunter education program by any one (1) of the following methods:

- (1) The presentation of a certificate of completion that indicates a hunter education program offered by the department or the department's agent was successfully completed by the applicant. A certificate of completion shall be completed on a department form.
- (2) For a person less than twelve (12) years of age upon completion of attendance at a hunter education course, the presentation of a certificate of attendance that indicates a hunter education program offered by the department or the department's agent has been monitored by the applicant. A license issued under this subdivision authorizes an applicant to hunt only if the applicant is accompanied by a parent or guardian. A certificate of attendance shall be prepared on a department form.

NOTE: The Natural Resources Commission has given preliminary adoption to this proposed rule. However, the language is subject to change as the rule progresses through the adoption process.

(3) A statement made under oath or affirmation by the applicant, on a department form, stating the applicant successfully completed a hunter education program approved under section 2 of this rule.

(4) A properly completed hunting license issued previously to the applicant.

(5) A final order from the commission under IC 4-21.5 and 312 IAC 3 stating the applicant is entitled to receive a hunting license.

(Natural Resources Commission; 312 IAC 9-12-3; filed May 27, 1997, 3:50 p.m.: 20 IR 2758; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 8. THE FOLLOWING ARE REPEALED:

312 IAC 9-3-2.5

312 IAC 9-3-5

312 IAC 9-3-6

312 IAC 9-3-7